

Reference Number: **412-02-DD**

Title of Document: **Early Return to Work (ERTOW) - Limited Duty Positions (LDP) Policy**

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Applicability: **All DDSN State Employees**

The Language used in this policy does not create an employment contract between the employee and the Department of Disabilities and Special Needs (SCDDSN). SCDDSN reserves the right to revise the contents of this policy, in part or in whole.

PURPOSE:

To provide added incentive for an early return to work for employees restricted from their regular position tasks for longer than seven (7) calendar days due to a work-related injury or other disabling illness. Implementation of this program allows for a more efficient use of health care benefits and a more equitable distribution of workloads; therefore, controlling costs, maintaining output and improving employee morale. It allows employees to return to work sooner than has been the norm by matching employees, not offered limited duty in their own department, with jobs elsewhere in the region classified as temporary with restricted duties.

POLICY:

Employees who have a work-related injury or other disabling illness, which according to the regional center's Workers' Compensation physician or their personal physician, justifies restriction from their normal work tasks for more than seven (7) calendar days, may be evaluated for a limited duty assignment by the human resource management director or designee and other appropriate staff. They may be offered an appropriate, temporary limited duty position which utilizes available skills and enables them to retain the routine of working while they recuperate; if such a position is available within the region.

PROCEDURE:

The aforementioned employees will be seen by the Workers' Compensation physician or personal physician who has been made well aware of the opportunities for limited duty assignments. If it is determined that they must be restricted from their regular job duties, a list of specific restrictions and their expected duration will be compiled by that physician. The employee's home department will first be asked to provide an assignment accommodating these conditions. If this is not feasible, other positions in the region may be considered.

The employee will meet with the human resource management designee on a weekly basis to discuss their ongoing limited duty assignment and the progress of their debilitating medical condition. The appropriate personnel will communicate verbally with the attending physician after each office visit to ensure the necessary changes of assignment and follow-up are done in a timely manner.

GUIDELINES:

The human resource management director or designee shall communicate in writing to the injured employee detailing the location of the assignment; the nature of limited duties; the responsible supervisor; and the beginning date of the limited duty service. The employee will report to the limited duty timekeeper their hours worked each day. The limited duty supervisor will be responsible for communicating all hours worked to both the primary and the limited duty timekeepers on a daily basis.

When an employee is placed in a limited duty position, the time period will not exceed two (2) months. If, at the end of 2 months, the employee cannot resume full duty status, they will be required to take sick leave, annual leave or leave without pay, not to exceed 180 consecutive days from the onset of the condition which necessitated limited duties. Any leave authorized under the FMLA will run concurrently with regard to the 180 day limit. The policy regarding forfeiture of reinstatement privileges and separation from employment due to excessive sick leave or annual leave will otherwise remain in effect.

All facility program areas of the agency will be expected to submit a roster of available limited duty positions to the human resource management directors. Supervisors are encouraged to be creative in their delineation of marginal and essential duties; to modify job descriptions, if appropriate; and move employees around to ensure maximum output from all positions. These placements are temporary; therefore, supervisors should be flexible in their expectations.

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